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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,687	08/07/2000	Kathryn A. Engholm	6972 US	3621

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EXAMINER

NATNAEL, PAULOS M

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/633,687

Applicant(s)

ENGHOLM, KATHRYN A.

Examiner

Paulos M. Natnael

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Please note the Art Unit designation has changed from 2614 to 2622.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims **1-5,10,11,13, and 14** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification on page 4, 11-12 briefly describes "some other visible device to allow a user to select a subset of the channels..." However, in claim 1, the newly added phrase "a visible 'display' device" is a new matter that was not described anywhere in the specification. If applicant contends this is not new matter, specific area in the original specification, i.e., page #, line # etc., should be pointed out.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 10,11 and 13 are **again** rejected under 35 U.S.C. 102(b) as being anticipated by **Yokoyama** et al., U.S. Pat. No. **5,291,285**.

Considering claim 1, Yokoyama et al. disclose a Signal Level Images or Bars 96, 97, and 98, (Fig.3) which display levels of television channels having a plurality of ranges and amplitude, associated with respective TV channels, wherein the number of channel representation (bars) on the screen may be changed as necessary (col. 8, lines 7-17), and by the disclosure that "a region 92 within the scale display region 91 for displaying level images, such as bars 97, associated with respective TV channels." (Col. 4, lines 64-67) Note that bar graphs in spectrum analyzers such as shown in FIG.3 for channels 96 to 98 or for other data are shown in different colors or different brightness levels to make it easier for the user of the level meter or spectrum analyzer.

As to the newly added "visible 'display' device", Yokoyama discloses several input means including input means 5, which as well known in the art, could be an input to access a graphical user interface (GUI), which, nevertheless, is not recited in the claim. In this regard, Yokoyama discloses "while an embodiment of the invention has been described, the following changes are possible. First, the image representing a

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level of each TV channel may be another graphical representation other than the bar chart as employed in the illustrative embodiment.” See col. 8, lines 6-21. And that “[a]ccording to the TV signal level meter described above in detail, a level of a signal received at each TV channel is individually measured by adjusting the programmable attenuators, so that the measurement and display can be carried out over a wide dynamic range, thereby making it possible to graphically display the levels of signals for a maximum number of TV channels displayable on the screen at the same time. It is therefore possible to adjust equipment to be measured such as an antenna while simultaneously confirming the levels of all displayed channels. See col. 8, lines 22-36. Thus, all claimed subject matter is met by Yokoyama.

Considering claim 2, wherein the trait represents a measured value for a signal parameter of the at least one channel where the region of interest is a frequency range having multiple channels, is met by Fig.3, which illustrates the control panel and screen of a TV signal level meter, including bars 96,97 and 98 show the digital level value of a specified channel.

Regarding claim 3, see rejection of claim 2;

Considering claim 10, wherein the trait represents activity for the at least one code where the frequency range of interest is a digital communications radio frequency channel is met by bar 96, Fig.3.

Regarding claim **11**, see rejection of claim 10.

Regarding claim **13**, see rejection of claim 1;

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **4 and 5** are again rejected under 35 U.S.C. 103(a) as being unpatentable over **Yokoyama et al.**, U.S. Pat. No. **5,291,285**.

Considering claims **4 and 5**, Yokoyama discloses the "region 94 for displaying digital values and other data for a specified channel (SP-CH); and a region for displaying other data items. Yokoyama discloses a TV signal level meter which is capable of measuring an simultaneously indicating the levels of signal for a multitude of TV channels. (Col. 2, lines 5-8) Since the claimed conditions such as pass, caution and fail imply some sort of measurement or test had been done or conducted on the desired subject, it would have been obvious to the skilled in the art at the time the invention was made to modify the reference of Yokoyama to display such conditions as pass, caution and fail in the region

94 for displaying digital values and other data items, so that the user can easily monitor the operation of the device.

***Response to Arguments***

8. Applicant's arguments filed 1/17/06 have been fully considered but they are not persuasive. Applicant argues that claim 1 has been amended to provide "a visible display device to allow a user to select." This is to clarify that the visible device relates to graphical user interface devices appearing on the display, similar to the draggable window, as supported in the specification at page 4, lines 10-13, and not to a hardware input device, such as a remote." See page 5.

As shown in the rejection above, the examiner submits the claimed "a visible display device" is a new matter added for the purpose of overcoming the rejection based on Yokoyama et al.. The specification on page 4, 11-12 discloses "some other visible device to allow a user to select a subset of the channels..." This in no way implies ONLY a graphical user interface (GUI). Nowhere does the specification describe a visible display device, as is now claimed, relating to a graphical user interface devices and not a hardware such as the remote control and as applicant now argues. Besides, as shown in the rejection above, Yokoyama on col. 8, lines 6-21 teaches, "while an embodiment of the invention has been described, the following changes are possible. First, the image representing a level of each TV channel may be another graphical representation other than the bar chart as employed in the illustrative embodiment." Thus, the argument is unpersuasive.

***Allowable Subject Matter***

9. Claims **8 and 12** remain allowable over the prior art.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

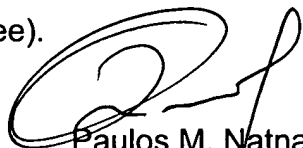
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 9am - 5:30pm M,W, F (7am-3:30pm T,Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paulos M. Natnael  
Primary Examiner  
Art Unit 2622

March 24, 2006